IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA. App. No. 1670 of 2002

LAR.90/1997 of SUB COURT, SULTHAN BATHERY
.....

APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.
SRI.V.K.BEERAN, ADDL.ADVOCATE GENERAL.

RESPONDENT/CLAIMANT:

M.D. VIJAYAKUMAR, S/O. DEVASA GOWDER,
VIJAYAKUMAR ESTATE, MADAKKIMALA P.O.,
WAYANAD.

BY ADV. SRI. PHILIP MATHEW
SRI. G.G. MANOJ
SRI. JAICE JACOB

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1670 OF 2002

Dated this the 24th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 90/1997 on the file of the Sub Court, Sulthan Bathery. Acquisition is for the purpose of Karapuzha Irrigation Project.

2. It is seen that the reference court has followed capitalisation method. The multiplier applied is '15'. In view of the decision of the Supreme Court in ***Airports Authority of India vs. Satyagopal Roy and others*** **(*AIR 2002 SC 1423)***, the multiplier can only be '10'.

Therefore, we partly allow the appeal and the judgment and decree will stand modified to the extent of application of multiplier only as 10. However, we make it clear that in case the claimant has not been granted interest on solatium, being a settled position [See the decision reported in ***Sunder vs. Union of India*** **(2001(3) KLT 489)**], the claimant shall be entitled to get interest on solatium.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1670 OF 2002

J U D G M E N T

24.10.2007